

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
JANUARY 9, 2001**

PRESENT: Roy Pfeffer, W. Robert Cress, Peter Schils, Daniel Densow, Rick Unbehaun, and Bonnie Gift

STAFF PRESENT: Clete Hansen, Becky Fry, Jacquelynn Rothstein, Legal Counsel; and Division of Enforcement staff for portions of the meeting

GUESTS: Mark Paget, WFDA, until 12:45
Mark Krause, FSA, until 1:15
Dawn Hess, Valley Funeral Home, until 12:45
Wayne Tauber, Valley Funeral Home, until 12:45
Ashley Moore, FSA, until 12:00
Mark Aaroen, Hamilton Group, until 11:15

CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Roy Pfeffer, Chair. A quorum of six members was present.

AGENDA

MOTION: Bonnie Gift moved, seconded by Robert Cress, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (11/14/00 & 12/1/00)

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to approve the 11/14/00 minutes, as written. Motion carried unanimously.

MOTION: Pete Schils moved, seconded by Dan Densow, to approve the 12/1/00 minutes, as written. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Dan Densow moved, seconded by Rick Unbehaun, to nominate and re-elect Roy Pfeffer, Chair. Motion carried unanimously.

MOTION: Robert Cress moved, seconded by Rick Unbehaun, to nominate and re-elect Daniel Densow, Vice Chair. Motion carried unanimously.

MOTION: Pete Schils moved, seconded by Daniel Densow, to nominate and re-elect Rick Unbehaun, Secretary. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings informed the Board of her upcoming retirement. She is drafting a transition report that includes issues she would like to see completed, including the regulation of cemeteries and the regulation of crematories.

The Board wished Secretary Cummings well in her future plans and congratulated her on a career well done.

Bureau Director's Report

Board Roster

The Board received an updated roster. Minor changes were noted.

2000 Meeting Dates

The Board received an updated copy of the 2001 meeting dates. Noted.

To-Pass Folder

The To-Pass Folder was circulated and duly noted.

LEGISLATIVE UPDATE

Regulation of Crematories

Board's Cremation Draft

Board members expressed their concern with the Board's draft of the regulation of crematories not being drafted and submitted simultaneously with the department's draft.

Jacquelynn Rothstein explained that revisions were still being made to the Board's draft when the department's draft was submitted.

Clete Hansen indicated that the regulation of crematories has been pulled from the cemetery bill. The cemetery bill and the department's proposal on the regulation of crematories will not be introduced in the Biennial Budget Bill.

The Board reviewed the NCRA regulatory standards regarding cremation and cremated remains which the department submitted for drafting and indicated that it is a very minimal provision with no definitions, enforcement or regulations.

The Board reviewed the revised draft of the proposed cremation regulations and recommended some changes.

Section 5 (2) include language to read “completed report of final disposition of a human corpse”

Section 2 (1) to read “A crematory authority shall obtain...”

Section 2 (2) change “a funeral home” to “a funeral establishment”

Section 3 (7) change non-deceased to “living.”

The Board requested that Jacquelynn Rothstein amend the language in the proposed regulations to allow the Funeral Director Examining Board the authority to impose discipline against crematoriums operated by funeral directors and the department responsible for crematoriums operated by cemeterians and other entities such as vault companies.

The Board held extensive discussion on Section 3 Authorizing Agent. The Board took a poll regarding language relating to the right of survivorship. Three members recommended leaving the language as is and two members recommended adding language similar to the Illinois language to allow an individual to determine his or her own disposition or to determine the authorizing agent.

MOTION: Pete Schils moved, seconded by Bonnie Gift, that language be inserted, allowing the decedent to determine whether his or her remains be cremated in a priority above the spouse or children. Motion failed with 2 yes votes and 3 no votes. Roy Pfeffer abstained.

The Board agreed to include in the proposed regulations s. 979.10, Stats., relating to a 48-hour waiting period before a body is cremated.

MOTION: Robert Cress moved, seconded by Rick Unbehaun, to submit a revised version of the proposed regulations of crematories to be drafted. Motion carried unanimously.

Correspondence with Senator Rosenzweig

The Board reviewed Secretary Cummings’ letter to Senator Rosenzweig. Clete Hansen stated that Senator Rosenzweig was interested in including crematory regulation in the Biennial Budget Bill; however, she decided not to do so.

EXAMINATION ISSUES

Whether the Board Should Use the National Exam

Casey Brown explained that he had recently spoken to Kevin Hatfield, Executive Director of the International Conference of Funeral Service Examining Boards, regarding the process of Wisconsin switching over to the National Board Examination (NBE).

The Board discussed amending the rules regarding the cut score and the administration of the NBE that addresses both the science and arts exam, and the Wisconsin law exam.

MOTION: Rick Unbehaun moved, seconded by Dan Densow, to draft a scope statement and begin the rule making process to amend FD 1.03. Motion carried unanimously.

Casey Brown will draft a memo to Clete Hansen and Jacquelynn Rothstein, indicating information required amendments in FD 1.03

The Board discussed the number of times the state law would be administered per year and indicated a preference for the administration four times a year. Casey Brown indicated that a candidate is only allowed to take the exam three times in a year and it would be the responsibility of the department to administer the exam a fourth time. The Board will continue to explore this issue.

Clete Hansen indicated that there is a question relating to veterans' flags on the exam. No legal statutory provision was found relating to this issue. Robert Cress will send Mr. Hansen an application for a Veteran's American flag.

BOARD MEMBER ACTIVITY

Nothing to discuss.

CONTINUING EDUCATION CREDITS FOR MEETINGS

Clete Hansen distributed a copy of the request for approval of continuing education programs, a certificate of completion, and a 2000 Funeral Director Examining Board attendance roster. Mr. Hansen indicated that credit for attending the open session of meetings would be implemented immediately.

Mark Paget questioned the amount of continuing education received from employers, the validity of programs offered, and the certification of the instructors. He asked that the Board consider the number of hours that may be obtained from a funeral directors employing funeral establishment.

The Board considered requiring information relating to the course offered, the presenter and the presenters qualifications and verification of attendance. A concern was raised as to who would review the information received and what qualifications would be found acceptable.

MOTION: Pete Schils moved, seconded by Dan Densow, to request Clete Hansen to draft a scope statement to amend rules regarding continuing education changes. Motion carried with Robert Cress not available for voting at this time.

MOTION: Rick Unbehaun moved, seconded by Dan Densow, to table this issue until the March 20, 2001 meeting. Motion carried with Robert Cress not available for voting at this time.

CORRECTION TO “A CONSUMER GUIDE TO PRE-PLANNING A FUNERAL”

The Board received a copy of the revised consumer guide. Noted.

MODEL PRENEED GUIDELINES NATIONAL FUNERAL DIRECTORS ASSOCIATION

The Board recommended that Legal Counsel review the guidelines and compare them to current laws.

Jacquelynn Rothstein will review and draft a memo comparing current laws to the proposed guidelines.

MOTION: Dan Densow moved, seconded by Rick Unbehaun, to table this issue until the next meeting. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None

NEW BUSINESS

None

PUBLIC COMMENTS

Mark Krause apologized for not having a copy of a letter he received from the DNR regarding the scattering of ashes. He did inform the Board that according to that letter there are regulations against the scattering of ashes in state parks; however, no regulations on the scattering of ashes over Lake Michigan. Mr. Krause will fax the letters to Mr. Hansen.

THE CONFERENCE REPORT OF THE NATIONAL CONFERENCE OF THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS

Robert Cress will represent the Board at the conference in Clearwater, Florida in April 2001.

PRESENTATION OF PROPOSED STIPULATION BY PROSECUTOR RONALD D. CUDDIE (LOYAL, WI) AND KRISTIN M. CUDDIE (GREENWOOD, WI)

The Board received a copy of the 1998 Role of the Case Advisor, Frequently Asked Questions. William Dusso explained the procedures for the role of the case advisor. He clarified that the case advisor does not advise the Board, but provides expert advice to the Division of Enforcement (DOE). Mr. Dusso advised that stipulations should be presented during open session and the DOE attorney and the case advisor may be present during the presentation of the stipulation to clarify any questions or concerns but only to support the stipulation. The case advisor and attorney must leave when the Board convenes to closed session for deliberation unless the stipulation states the case advisor may be present during deliberation.

Henry Sanders presented the stipulation to the Board. Mr. Sanders advised the Board that during the period of ordered suspensions, the respondents would be allowed on the premises of the funeral establishment in Loyal, Wisconsin, as the residence is in the funeral establishment. No business of funeral directing would be performed during this time.

RECESS TO CLOSED SESSION

MOTION: Pete Schils moved, seconded by Bonnie Gift, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), (f), and (g), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Bonnie Gift-yes; Robert Cress-yes; Peter Schils-yes; Daniel Densow-yes; Rick Unbehaun-yes; Roy Pfeffer-yes.

Open Session recessed and Closed Session convened at 2:37 p.m.

CLOSED SESSION

The Board received a copy of the Case Status Report.

The Board deliberated on a proposed stipulation and an apprentice application.

RECONVENE IN OPEN SESSION

MOTION: Pete Schils moved, seconded by Dan Densow, to reconvene in Open Session at 2:52 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

STIPULATION

MOTION: Pete Schils moved, seconded by Bonnie Gift, to accept the Findings of Fact, Conclusions of Law and Order for 99 FDR 017, Ronald D. Cuddie and Kristin M. Cuddie. Motion carried unanimously. (The case advisor Dan Densow, and Rick Unbehaun were not present for voting.)

MOTION: Daniel Densow moved, seconded by Pete Schils, to request additional information regarding whether a criminal complaint had been filed on the 1997 investigation and a copy of the psychological evaluation for Maureen Raskin. Motion carried unanimously.

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to refer the Jeffrey D. Ward issue to the Division of Enforcement. Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None

ADJOURNMENT

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to adjourn the meeting at 2:58 p.m. Motion carried unanimously.

Next Meeting Date: March 20, 2001